

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

CRIMINAL CASE
NO. 04-10126 RWZ

VICTOR VARGAS
Defendant

REPORT & ORDER ON
INITIAL STATUS CONFERENCE

ALEXANDER, U.S.M.J.

On January 11, 2005, the parties appeared before this Court for an Initial Status Conference. With regard to the following issues, the parties have represented that:

1. There are no unusual or complex issues presented requiring an early joint conference of the District Judge or the Magistrate Judge with the attorneys;
2. There are no features of the case that may deserve special attention or modification of the standard schedule;
3. There is no supplemental discovery anticipated;
4. Discovery concerning any expert witnesses pursuant to Fed. R. Crim. P. 16 (a)(1)(E) & 16(b)(1)(C) will be provided by the government no later than thirty (30) days before trial and the defendant will provide expert discovery no later than fourteen (14) days before trial. The government has already produced a fingerprint examination report and has made the original passport application available for independent fingerprint examination by the defense;
5. The applicable periods of excludable delay under the Speedy Trial Act include: November 10, 2004, through December 8, 2004 (28 days) and December 8, 2004, through January 11, 2005 (34 days), for a total of sixty-two (62 days) days as of January 11, 2004. The government and defense have not yet filed a joint motion for excludable delay for the aforementioned time periods. The total amount of time to proceed to trial is seventy (70) days as of January 11, 2005;
6. Trial is anticipated at this time. If the case were to proceed to trial, the parties anticipate a three (3) day trial;

7. Other matters: at the hearing the parties moved (orally) to exclude the time from January 11, 2005, through February 22, 2005. The Court ALLOWED the motion and directed the parties to file a joint motion for all applicable periods of excludable delay.

IT IS HEREBY ORDERED THAT

A motion date pursuant to Fed. R. Crim. P. 12 (c) has been established. Dispositive motions shall be due on or before February 22, 2005, with the government's responses due March 8, 2005. A **Final Status Conference** is scheduled at **3:00 p.m.** on **February 22, 2005**, in Courtroom 24, 7th floor.

Pursuant to LR 116.5 (C), parties shall confer and, not later than three (3) business days before the Final status Conference, prepare and file a joint Final Status Conference Memorandum.

HONORABLE JOYCE LONDON ALEXANDER
U.S. MAGISTRATE JUDGE

By the Court:

January 28, 2005

Date

/S/ Rex Brown

Courtroom Clerk

(617) 748-9238